REMARKS

Claims 15-24 and 30-33 were pending when last examined. With this Response, Applicants have canceled claims 16, 30 and 33, and amended claims 15, 17-24, 31 and 32. No new matter has been added. Support for the amendment can be found at least in FIG. 1 and the corresponding description in the specification.

Claim Rejections – 35 USC § 103

Claims 15, 18, 20, 22, 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,704,929 to Ozer et al. ("Ozer") in view of U.S. Patent No. 5,724,521 to Dedrick ("Dedrick") and in view of U.S. Patent No. 7,069,571 to Del Sesto et al. ("Del Sesto""). Applicants respectfully traverse the rejections.

Claim 15, as amended, recites a method for processing user history data. The method includes storing a hierarchical data structure for describing user history. The hierarchical data structure includes a user information element and first and second user action history parts as respective first and second structural elements at the same level of the hierarchical data structure. The user information element includes information to identify a user and the first and second user action history parts include respective first and second lists of user actions for describing the user's multimedia consumption, wherein the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively. The method further includes recording, in the first user action history part, a first user action item corresponding to a first user action by the user, wherein the first user action is related to consumption of a first piece of multimedia content having a standardized first content reference identifier that identifies the first piece of multimedia content independent of its location, wherein recording the first user action item includes assigning a program identifier and a user action type to the first user action item. The program identifier includes the standardized first content

reference identifier for identifying the first piece of multimedia content, and the user action type represents an operation of skip, replay or slow play. The first data protection attribute is used for specifying that information recorded in the first user action item about the first user action is protected in the first user action history part.

Ozer, Dedrick and Del Sesto, alone or in combination, fail to disclose several limitations of claim 15. For example, the claim requires that the hierarchical data structure includes the first and second user action history parts as respective first and second structural elements at the same level of the hierarchical data structure, and the first and second user action history parts include respective first and second lists of user actions for describing the user's multimedia consumption. The Examiner pointed to Ozer's FIG. 4 (with reference to claim 33, now canceled). Ozer's FIG. 4, however, discloses only a hierarchy of program guide information about programs to be broadcast. Ozer, however, lacks the claimed hierarchical data structure which includes the first and second user action history parts as respective first and second structural elements at the same level of the hierarchical data structure, and the first and second user action history parts include respective first and second lists of user actions for describing the user's multimedia consumption.

Furthermore, the claim recites that the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively. The Examiner admitted that Ozer and Dedrick do not disclose specifying that information about user actions is protected. *See* Office Action of July 7, 2007, at page 4. Indeed, Ozer discloses that the "viewing behavior information that has been tracked is stored locally and is periodically transmitted to a remote site" (*see* Ozer at col. 3:40-41), and Dedrick discloses protecting information in a personal profile data base by encrypting the entire profile when it is not in use (*see* Dedrick at col. 7:37-43). The Examiner pointed to Del Sesto for the missing subject matter. Del Sesto discloses a "protected section of an application [which] is a section defined by the application designer to be one in which the application should continue executing even if the application is no longer appropriate." *See* Del Sesto at col. 11:48-51. Thus, Del Sesto

defines which sections in an application cannot be interrupted during the execution of the application. The claimed user action history parts are not executable. Instead, the first and second user action history parts include respective first and second lists of user actions for describing the user's multimedia consumption. Thus, Del Sesto neither discloses nor suggests that the first user action history part has a first data protection attribute and the second user action history part has a second data protection attribute to specify whether information is protected in the first user action history part or in the second user action history part, respectively—as required by the claim. Lacking the claimed data protection attributes, Ozer, Dedrick and Del Sesto cannot disclose using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history part.

As Ozer, Dedrick, and Del Sesto lack the claimed data protection attributes, these references need to be modified, not just combined, to obtain the claimed subject matter. The Examiner argued that the motivation for such combination and modification "would have been to allow only ... certain portions of the data to be protected, therefore allowing more flexibility in the data handling." *See* Office Action of July 7, 2007, at page 4. Such "flexibility in the data handling," however, is neither taught nor suggested in the cited references. The Examiner admitted that Ozer and Dedrick lack such flexibility. *Id.* Del Sesto discloses only protecting the execution of certain portions in an application. Del Sesto says nothing about "flexibility in the data handling." Applicants submit that one skilled in the art would not combine and modify the references as the Examiner suggested, at least, because protecting the execution of an application is not related to protecting information in a user action history. As the Examiner failed to explain the alleged link between these two seemingly unrelated subjects, the applicants submit that the combination and modification of the references is based solely on impermissible hindsight.

Furthermore, the claim recites that the user action type represents an operation of skip, replay or slow play. The Examiner admitted that Ozer, Dedrick, and Del Sesto lack these limitations, and pointed to U.S. Patent No. 4,697,209 to Kiewit et al. ("Kiewit") for the missing subject matter. *See* Office Action of July 7, 2007, at page 8. However, in addition

to the issues discussed above, there is no motivation to combine Ozer with Kiewit. Ozer discloses obtaining information about programs from an electronic program guide. *See* Ozer's Abstract. Kiewit discloses monitoring VCR operations, such as replay, forward and rewind. See Kiewit at col. 5:61-66. Kiewit's VCR operations, however, are related to a previously recorded program, and accordingly, they are unrelated to the current electronic program guide of Ozer.

In sum, the cited references fail to disclose the claimed hierarchical data structure and data protection attributes, and there is no motivation to combine and modify the references as suggested by the Examiner. Thus, no prima facie case of obviousness has been made, and accordingly, claim 15 should be allowable. Claims 18, 20, 31 and 32 depend from claim 15, and are allowable for at least the same reasons.

Claim 22 is an independent claim that recites limitations that are similar to those discussed above with reference to claim 15. As those limitations are not disclosed or suggested by Ozer, Dedrick and Del Sesto, claim 22 should be allowable.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick, in view of Del Sesto, and further in view of CIDF Website. Applicants respectfully traverse the rejection.

Claim 17 depends from claim 15, which requires several limitations that are not disclosed or suggested by Ozer, Dedrick and Del Sesto. The CIDF Website is also lacking. Thus, claim 17 should be allowable for at least the same reasons as claim 15.

Claims 19, 21, 23, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick, in view of Del Sesto, and further in view of Kiewit. Applicants respectfully traverse the rejections.

Claims 19 and 21 depend from claim 15, and claims 23 and 24 depend from claim 22. As discussed above with reference to their base claims, the Ozer, Dedrick, Del Sesto and Kiewit references fail to disclose or suggest, alone or in combination, several of the claimed limitations. Furthermore, as discussed above, there is no motivation to combine and modify

the references as suggested by the Examiner. Thus, no prima facie case of obviousness has been established, and accordingly, claims 19, 21, 23, and 24 should be allowable.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.
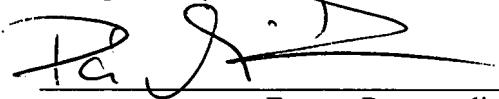
No additional fees are required for this amendment. However, the Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-1597.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/29/07   Richard A. Park

Date   Signature

Respectfully submitted,

By: _____
Ferenc Pazmandi
Agent of Record
Reg. No. L0078
FP/lcd

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SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104-1715
Currently amended(415) 772-1200